



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

BUSCHMANN et al.

Art Unit: 1635

Application No.: 09/805,432

Examiner: Angell, Jon E.

Confirmation No.: 3195

Filed: March 14, 2001

Attorney Dkt. No.: 025896-00002

For: MEANS AND METHODS FOR THE MODULATION OF ARTERIOGENESIS

**PETITION UNDER 37 CFR § 1.84**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Date: June 4, 2003

Sir:

In response to the requirement related to Fig. 6 and 7 made in the Office Action dated January 2, 2003, applicants petition that replacement Figures 6 and 7 filed with the Submission of Replacement Figures 6 and 7 under 37 CFR 1.84 be entered.

**REMARKS**

Three sets of replacement Fig. 6 having two color photos each have been filed. In addition, three sets of replacement Fig. 7 each having two color photos have been filed. Also, black and white photocopies of replacement Figs. 6 and 7 have also been filed. In addition, a petition fee set forth in 37 CFR 1.17(h) is attached.

Fig. 6 contains pictures of the X-ray angiograms of two tissue cross sections of growing collateral arteries with infiltrating cells expressing TGF $\beta$ 1. **The color photos are the only practicable media for illustrating the tissue cross sections in order to**

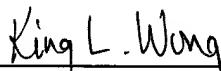
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**show the effects of the invention** and so the replacement Figure 6 should be acceptable under 37 CFR 1.84.

Fig. 7 contain pictures of two tissue cross sections showing immunolabeled Ki-67 positive cells and nuclei labeled with 7-AAD. Applicants have submitted three sets of replacement Figure 7 and a black-and-white photocopy thereof along with a paragraph inserted before the first paragraph of page 1 of the specification regarding at least one drawing executed in color. **The color photos are necessary to show the effects of the invention because the photos are the only practicable media for illustrating the tissue cross sections in order to show the effects of the invention.** For instance, the immunolabeled Ki-67 positive cells were green and the nuclei labeled with 7-AAD were red (see page 17 of the specification).

In the event that the filing of this paper is not deemed timely, applicants petition for an appropriate extension of time. Any petition fee for the extension of time and any other fees that may be required in relation to this paper can be charged to Deposit Account No. 01-2300, referencing Docket No. 025896-00002.

Respectfully submitted,

  
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Enclosures: Petition Fee set forth under 37 CFR 1.17(h);  
Three sets of replacement Fig. 6;  
Three sets of replacement Fig. 7;  
Black and white photocopies of replacement Figs. 6 and 7